

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Claudio R. BALLARD Group Art Unit: 3693
Appl. No. : 09/454,492 Examiner: Richard C. WEISBERGER
Filed : December 6, 1999 Confirmation No.: 3808

For : REMOTE IMAGE CAPTURE WITH CENTRALIZED PROCESSING
AND STORAGE

**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT (37 CFR 1.121)**

Mail Stop *Amendment*
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the following response in regard to the above-identified application.

Responsive to the Notice of Non-Compliant Amendment of June 17, 2008, reconsideration and withdrawal of the Notice are respectfully requested, in view of the following remarks.

Inasmuch as the Notice sets a one-month period which expires July 17, 2008, this Response is being timely filed and no extension of time is believed necessary. However, if

an extension is deemed by the Patent and Trademark Office to be necessary, the same is hereby requested and the Patent and Trademark Office is hereby authorized to charge any necessary fees in connection therewith to deposit account No. 50-2929 making reference to Docket No. P43312.

The Notice states that the claims as amended in the Response filed on February 13, 2008 are non-compliant due to each claim not having a proper status identification. Applicant has reviewed the Response, and finds no reason as to why the claims were not sufficiently identified. The Applicant merely provided as a courtesy, claims presented as “Currently Amended/Withdrawn” and “New/Withdrawn” within the Response for the Examiner’s benefit. These identifiers appear to fall under the Acceptable Alternatives of Status Identifiers set forth in 37 CFR 1.121 (c). More specifically, Section (E) item 4 as listed in the table of MPEP 714, “Withdrawn-Currently Amended” is an acceptable alternative. To the extent that this language varies from the “Currently Amended/Withdrawn” identifier used by Applicant in claim 55 for example, the sentence immediately below the table in section (E) of MPEP 714 states that “The Office may also accept additional variations of the status identifiers provided in 37 CFR 1.121(c) not listed above if an Office personnel determines that the status of the claims is accurate and clear”.

Applicant respectfully submits that the Notice of Non-Compliant Amendment is in error and that the Response to Restriction Requirement with Amendment filed February 13,

2008, is compliant with the rules set forth in 37 CFR 1.121 (c).

During a telephone discussion with Examiner Weisberger on or about June 23, 2008, the Examiner appeared to concur with Applicant's position and requested that a formal Response be filed. The Examiner's professional demeanor during the telephone conversation was greatly appreciated.

Should there be any questions, or any issued to be discussed to advance the present application to allowance, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
Claudio R. Ballard



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June 24, 2008
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P43312.A07; AH\DXN\tmp